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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,603	07/23/2004	Horst Mellis	M15P01US	4602
30008	7590	12/21/2005		
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			EXAMINER EVANISKO, LESLIE J	
			ART UNIT 2854	PAPER NUMBER
DATE MAILED: 12/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,603	Applicant(s) MELLIS, HORST	
	Examiner Leslie J. Evanisko	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-9 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 10, 11 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The replacement sheets of drawings were received on August 23, 2005. These drawings are approved by the Examiner.

Claim Objections

3. Claims 7-11 are objected to because of the following informalities:

With respect to claims 7 and 8, the term "the first recess" in each claim (see line 7 of claim 7 and lines 2 and 3 of claim 8) has no proper antecedent basis since only a recess was previously recited. To correct this problem, it is suggested that the word "first" be deleted from each term.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 7-9, and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Vasilantone (US 3,244,093). Vasilantone teaches a device comprising at least one stencil 40 configured to apply a pattern onto a flat surface of an article S, and a stencil holder 10 comprising a base member 28 wherein the base member comprises means 30, 32, 34, 36, 37, 37' for securing the stencil 40 in a predetermined position relative to the stencil holder 10, and the base member 28 of the stencil holder 10 comprises a first recess 46 (defined by the opening formed between the elements 50) positively securing within circumferential boundaries of the first recess the surface of the article S onto which the pattern is to be applied relative to the stencil holder in a predetermined position relative to the at least one stencil; wherein the means for securing 30, 32, 34, 36, 37, 37' is positioned outside of the first recess 46.

With respect to claims 2, 8, and 17, note Vasilantone teaches an adapter 44 configured to be inserted in the recess to reduce the size of the recess so that the recess and adapter together provide the positive securing action. See column 2, lines 13-18 in particular.

With respect to claims 3 and 9, note Vasilantone teaches the means for securing includes elements (i.e., walls 30, 32, 34, 36) projecting upwardly from the stencil holder.

With respect to claim 5, note the means for securing in Vasilantone comprises a second recess (i.e., the recess created by walls 30, 32, 34, 36) surrounding the first recess 46 (the recess defined by the opening formed between the elements 50), the second recess being configured such that when the stencil is inserted in the recess, the stencil and stencil holder form a “substantially” flush surface, as shown in Figures 2-3 in particular.

With respect to claim 12, note Vasilantone teaches an adapter 41, 44, for use with a stenciling device comprising a base element configured to reduce a size of a recess for securing the surface of the article relative to a stencil holder to a certain size of the article. See

With respect to claim 13, note the base element of Vasilantone is capable of adjusting the means for securing to a standard paper size and therefore meets the language as recited.

With respect to claims 14-15, note the base element of Vasilantone can be considered to be a bar, frame, or plate with a recess as broadly recited.

With respect to claims 16-17, note Vasilantone teaches a method for applying a pattern onto a surface as recited including positively securing the surface of the article by inserting the article into the circumferential

boundaries of the recess in the stencil holder. Note the above comments with respect to claims 1-3, 5, 7-9, and 12-15.

Response to Arguments

6. Applicant's arguments filed August 23, 2005 have been fully considered but they are not persuasive of any error in the above rejections.

Note the new interpretation of Vasilantone (set forth in the above rejection) meets the claim language as recited. The fact that the present invention and the invention of Vasilantone operate differently (as applicant argues in depth on page 10 of the amendment) is not particularly relevant since none of these features are specifically recited in the claims. Therefore, it is the Examiner's position that Vasilantone teaches all of the broadly claimed structure.

With respect to applicant's argument that the second recess does not provide a "flush" surface as recited, again the Examiner points out that applicant's arguments regarding how the present inventions operation differs from the device of Vasilantone are much more specific than the claim language. Furthermore, the term "flush" is broadly defined by the American Heritage Dictionary of the English Language, 4th edition as "arranged with adjacent sides, surfaces, or edges close together." Therefore, since the stencil 40 of Vasilantone is arranged to sit with its surface adjacent and very close to the

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stencil holder surface 37', it is the Examiner's opinion that the stencil and stencil holder of Vasilantone form a "substantially" flush surface as recited.

With respect to applicant's argument that parts 41, 44 are not an adapter that functions to reduce the size of the recess into which the article is inserted, the Examiner disagrees. In particular, note Vasilantone teaches the parts 41, 44 function to define a smaller opening into which the printing platen and article being printed are inserted. See column 2, lines 12-18 in particular.

In view of the above reasons, the Examiner is not persuaded of any error in the above rejections.

Allowable Subject Matter

7. Claims 4, 6, 10-11, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 4 and 10 in particular, the prior art of record fails to teach or fairly suggest a device having all of the structure as recited, in combination with and particularly including, the means for securing including short securing pins projecting upwardly from the stencil holder and configured to match perforations provided in the at least one stencil.

With respect to claim 11, the prior art of record fails to teach or fairly suggest a stencil holder device having all of the structure as recited, in combination with and particularly including, the base member having receiving openings and the elements projecting upwardly from the base member being insertable into the receiving openings in different arrangements.

With respect to claims 6 and 18 in particular, the prior art of record fails to teach or fairly suggest a device or method having all of the structure (or method steps) as recited, in combination with and particularly including, two stencils being provided, the two stencils being embossing stencils with one of the stencils being placed in the stencil holder underneath the surface of the article being printed while the other of the embossing stencils is placed on top of the surface of the article and secured by the means for securing.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hambright (US 5,372,506) teach a stencil holding device having obvious similarities to the claimed subject matter.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
December 20, 2005